

Matthew Borden, admitted *pro hac vice*
borden@braunhagey.com

J. Noah Hagey, admitted *pro hac vice*
hagey@braunhagey.com

Athul K. Acharya, OSB No. 152436
acharya@braunhagey.com

Gunnar K. Martz, admitted *pro hac vice*
martz@braunhagey.com

BRAUNHAGEY & BORDEN LLP
351 California Street, Tenth Floor
San Francisco, CA 94104
Telephone: (415) 599-0210

Kelly K. Simon, OSB No. 154213
ksimon@aclu-or.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF OREGON
P.O. Box 40585
Portland, OR 97240
Telephone: (503) 227-6928

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF MATHIEU LEWIS-ROLLAND IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST DEFENDANTS U.S. DEPARTMENT OF HOMELAND SECURITY AND U.S. MARSHALS SERVICE

I, Mathieu Lewis-Rolland, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a freelance photographer and photojournalist who has covered the ongoing Portland protests. I am a plaintiff in this case and helped secure a temporary restraining order from the Court protecting journalists and legal observers from being targeted by the Portland Police Bureau and other police agencies working with PPB. I have also submitted a declaration explaining how federal agents shot me 10 times in support of Plaintiffs' motion for a temporary restraining order against the federal agents at the protests. If called as a witness, I could, and would, testify competently to the facts below.

2. I covered the protests in downtown Portland on the night of July 20 into the early morning of July 21, 2020.

3. I was present in a journalistic capacity. I carried a large Nikon D850 DSLR camera attached to a 85mm lens. My cellphone was attached to the hotshoe on top of my camera. Because I knew that the Court had ordered the police to stop using violence against journalists and legal observers, I wore a t-shirt that said "PRESS" in big block letters on both sides. In addition, since federal agents shot me ten times on July 12, I have attached a reflective neon-yellow stripe to the outside of my lens, I wear reflective neon-yellow wristbands on both arms, and I wear a helmet with reflective stripes attached that says "PRESS" on several sides.

4. At the time the following events took place, I was taking care to remain in a well-lit area so that the police could read my shirt, and so that it would be clear I was there only to document the protesters and their interaction with police and federal officials. I did not participate in the protests.

5. What I witnessed on this night shocked me to my very core. Several times, I saw federal agents point live-ammunition lethal weapons into the crowd. Several times, federal agents trained their sights on me as I photographed them. Towards the end of the night, federal agents shot at me several times, and one threw a tear gas canister directly at my feet. Overall, federal agents' wanton violence last night was the worst I have seen since the protests began.

6. I arrived downtown around 10:30 p.m. At that time, the atmosphere was relaxed and positive. Thousands of protesters were present; the mood was celebratory. A groups of moms had linked arms in front of the courthouse. Balloons were in the air.

7. Shortly after midnight federal agents stormed out of the courthouse, shooting rubber bullets and tear-gas canisters. They tried to arrest someone outside the courthouse doors for no reason that I could discern. The crowd prevented the arrest. In response, an agent unholstered his live-ammunition handgun and pointed it at members of the crowd. This is a true and correct copy of a photograph I took of him threatening to shoot people with live, lethal ammunition:



8. Later in the night, I captured another image of a federal agent pointing a live-ammunition firearm—I believe it is an M4 with a suppressor attachment—at the crowd. This is a true and correct copy:



9. I also saw federal agents train their sights on me several times, even though it was extremely obvious that I am press. One agent held aim on me for as much as 10 seconds while I

yelled that I was press, until he finally decided not to shoot. Several other agents aimed at me as well, including one I captured on my camera. This is a true and correct copy of that photograph:



10. In addition, a federal agent fired 8-12 impact rounds directly at me for no reason. A few seconds later, he or another federal agent threw a canister of tear gas directly at my feet and forced me to retreat and stop reporting on their actions. A true and correct copy of a video I took of these events can be accessed at the following URL, about 12 minutes into the video: https://facebook.com/story.php?story_fbid=10218746255271156&id=1342929165.

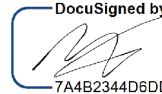
11. After the Court issued an injunction against the City, Portland police officers' conduct towards me improved markedly. For example, on the night of July 4, a police officer ran at me, yelling at me to disperse. I yelled, "I'm press! I'm press! There's a restraining order! I have a right to be here!" and stood my ground. The officer asked me to move 10 feet away, but let me do my job: observing, recording, and reporting on the protesters and police. I have to vigorously invoke my rights as a member of the press, but when I do, the police have left me

alone multiple times. Also, I have on occasion been allowed to get behind Portland police's skirmish line, because what I was doing was not a threat to them.

12. After the Court issued its injunction against the City, I felt like I could document the protests with less fear of being injured by law enforcement. That is no longer true. I would like to continue attending and documenting the protests. But I am worried that federal agents will continue to target me and possibly injure me again, as they have already done once and attempted to do again many times. Based on federal agents' actions, I just recently spent over a thousand dollars on a military-grade gas mask, a type III-A Kevlar vest, and a type III-A helmet, which are rated against AR-15 bullets. I have done this because on multiple occasions, I have feared for the safety of my life at the hands of federal agents—even when I comply with their orders.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 22, 2020

DocuSigned by:

7A4B2344D6DD4CD...

Mathieu Lewis-Rolland